

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

By way of the amendment instructions above, independent claims 1 and 12 have been amended to clarify that the flame-retardant is present in the SAP particles in an amount sufficient to render the same flame-retardant.

In addition, claims 34-37 have been added for consideration. Claims 34 and 35 are supported by page 6, line 27 of the originally filed specification, while claims 36 and 37 are based on original claims 2 and 3, but are dependent ultimately from claim 35.

Claims 5-11 and 17-33 drawn to a patentably distinct invention non-elected for prosecution herein have been cancelled. However, such cancellation has been effected without prejudice to the applicants' rights to file divisional applications under 35 USC §121.

The only issue remaining to be resolved in this application is the Examiner's rejection of prior claims 1-4 and 12-16 as allegedly anticipated by Hosokawa et al (USP 6,313,231). In this regard, the Examiner is apparently reading Hosokawa et al's disclosed "chelating agents", specifically the phosphoric acid compounds disclosed at column 7, lines 1-7 thereof, to be the equivalent of the herein claimed flame retardant.

Applicants note that Hosokawa et al does not disclose or even remotely suggest that the therein claimed "chelating agents" would or could function as flame retardants. Thus, for this reason alone Hosokawa et al cannot anticipate the presently claimed invention since no disclosure therein exists of "flame-retardant superabsorbent polymer (SAP) particles" or methods of making the same as claimed herein.

Moreover, applicants note that the **maximum** level at which such "chelating agents" are employed in the compositions of Hosokawa et al is **5 parts by weight**.

ROGERS et al  
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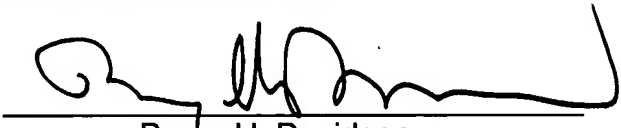
(See column 9, lines 5-8). As demonstrated by the accompanying Declaration of Martin E. Rogers, incorporating phosphoric acid or its sodium salt (i.e., disodium phosphate) does **NOT** result in SAP particles which are **flame-retardant**. Hence, one of ordinary skill in this art would therefore certainly not glean any guidance from Hosokawa et al when confronted with the problem of rendering SAP particles flame-retardant.

In view of the amendment, remarks and attachments presented herewith, applicants suggest that all claims pending in this application are in condition for allowance. Official Notice to that effect is solicited.

Respectfully submitted,

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